

BEFORE THE WEST VIRGINIA MEDICAL IMAGING & RADIATION THERAPY  
TECHNOLOGY BOARD OF EXAMINERS

WEST VIRGINIA MEDICAL IMAGING &  
RADIATION THERAPY TECHNOLOGY  
BOARD OF EXAMINERS,

Complainant,

RECEIVED

11-6-14

WVMI & RTT BOARD

v.

Case No: 18-FY-2014

TERESA YOUNG,

Respondent.

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**CONSENT AGREEMENT AND ORDER**

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After due investigation of a written complaint, the West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners (“Board”) determined that there was probable cause to believe that Teresa Young (“Respondent”) has exhibited unprofessional and unethical conduct in the practice of medical imaging, in violation of the provisions of W. Va. Code § 30-23-1 *et seq.* and the Rules of the Board, W. Va. Code R. § 18-1-1 *et seq.* The Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this State.

Now, in lieu of hearing, the parties have reached an agreement for the resolution of this case matter and the parties agree to entry of the following Order in disposition of this matter.

**FINDINGS OF FACT**

The Board adopts the following findings in this matter:

1. That Teresa Young is a licensee of the Board, License No.4820, and is subject to the license requirements of said Board.

2. The Board is a regulatory board created for the purpose of regulating the practice of medical imaging and radiation therapy technology. W. Va. Code § 30-23-1, *et seq.*

3. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's license because of authority granted to it by W. Va. Code § 30-23-24.

4. That Teresa Young was, at all times material hereto, employed as a licensed medical imaging technologist at MedExpress Urgent Care.

5. That on April 24, 2014, the Board received a complaint via electronic mail from MedExpress Urgent Care that the Respondent had recently been terminated from her position with MedExpress due to her taking films on her sibling. MedExpress later amended their complaint to reflect that the films were taken of her daughter. The Respondent's daughter had not been examined by a physician (either at MedExpress or elsewhere) nor was there an order for the films by a physician. Moreover, the films were not reviewed by a physician.

6. That the Board sent a copy of the complaint to the Respondent for a response via letter dated April 24, 2014.

7. That the Board received a response via letter dated May 16, 2014, from the Respondent.

8. That the Respondent denied taking any films of her sibling. Moreover, she stated that many other medical imaging technologists engage in similar behavior of taking films of

family and friends without a physician's order or subsequent review of the films. Respondent stated that MedExpress is retaliating against her for using family medical leave.

9. That the Board requested additional information from MedExpress via an Investigative Subpoena. Upon receiving the additional information, the Board's Ethics Committee reviewed the material and requested the Respondent's attendance at an Informal Conference.

10. That an Informal Conference was held on October 16, 2014, regarding this matter before the Board's Ethics Committee. In attendance were the Respondent and members of the Board's Ethics Committee.

11. That the Board, after conducting an investigation, by vote at its October 16, 2014, meeting, made a finding of probable cause for a violation of W. Va. Code § 30-23-24(a)(3) and W. Va. Code R. §§ 18-5-5.1.5.a. and 18-5-5.1.17.

12. That the Respondent's actions constitute a violation of the current Code of Ethics adopted by the Board, and the regulations governing the practice of radiologic technology, and that these violations of the Board's governing regulations are grounds for disciplinary action by the Board pursuant to W. Va. Code § 30-23-24(a)(3) and W. Va. Code R. §§ 18-5-5.1.5.a. and 18-5-5.1.17.

### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise limit

the license of the Respondent to practice medical imaging or radiation therapy technology, pursuant to W. Va. Code § 30-23-24.

3. That unprofessional conduct includes “a departure from or failure to conform to applicable federal, state or local governmental rules and regulations regarding medical imaging or radiation therapy technology practice; or if, no rule or regulation exists, to the minimal standards of acceptable and prevailing medical imaging or radiation therapy technology practice; . . . .” W. Va. Code R. § 18-5-5.1.5.a.

4. That licensee shall not “[p]ractice outside the scope of practice authorized by the individual’s current state permit or license.” W. Va. Code R. § 18-5-5.1.17.

5. That by taking films of her daughter without a medical Order nor any subsequent review by a physician the Respondent violated W. Va. Code § 30-23-24(a)(3) and W. Va. Code R. §§ 18-5-5.1.5.a. and 18-5-5.1.17.

### **CONSENT OF LICENSEE**

I, Teresa Young, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. That no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.

3. That I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.

4. That I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. That I admit that my actions were unprofessional and unethical and a violation of the statute and rules of the Board.

The Respondent, Teresa Young, by affixing her signature hereon, agrees to the following:

**ORDER**

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent is hereby REPRIMNDED for her actions in the above styled matter, and placed on probation for a period of two (2) years effective upon the entry date of this *Order* hereto.

2. During this two (2) year period of probation the Respondent must complete the following requirements:

a. Respondent shall complete fifteen (15) Category A Continuing Education Credits with a minimum of eight (8) in medical ethics; four (4) in radiation safety; and three (3) selected by the Respondent. Respondent shall obtain Board approval of the Category A Continuing Education Credits prior to their completion, and Respondent shall provide proof of completion of all fifteen (15) Category A Continuing Education Credits to the Board. These fifteen (15) Category A Continuing Education Credits are in addition to the standard requirement of twenty-four (24) Category A Continuing Education Credits that a licensee must complete for license renewal.

b. Respondent shall reimburse the Board for all of the administrative and legal expenses incurred by the Board in the investigation and disposition of this case in the amount of \$353.84.

3. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, to the American Registry of Radiologic Technologists (ARRT).

4. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).

5. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

WEST VIRGINIA MEDICAL IMAGING &  
RADIATION THERAPY TECHNOLOGY  
BOARD OF EXAMINERS

By:

Tuanya Layton  
Tuanya Layton, Chairperson

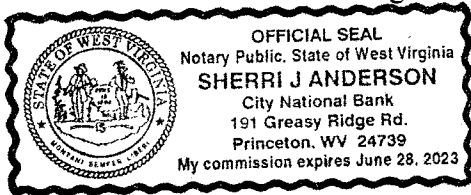
Entered:

3-12-15  
DATE

Agreed to by:

Teresa A. Young WVDL  
Teresa Young, Respondent E177218

10-30-14  
DATE



Sworn and subscribed before me this 30<sup>th</sup> day of Oct, 2014.

My Commission expires: 6/28/2023

[Signature]  
Notary Public

**ATTACHMENT "A"**  
**PAYMENT SCHEDULE OF MONETARY PENALTY**

I, \_\_\_\_\_, do hereby acknowledge by signing the accompanying Order that I agree to submit to the West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners (Board) a monetary penalty in the amount of three hundred fifty three and eighty four cents (**\$353.84**). I agree to submit this amount in accordance with one of the two following options:

**OPTION ONE:** \_\_\_\_\_  
*(Sign and date here to select Option One)*

\*I agree to submit the total amount of the monetary penalty in the amount of three hundred fifty three and eighty four cents (**\$353.84**) within thirty (30) days of the date of execution of the Order.

*(\*Note: When Option One is selected and you choose to do so, you can include payment along with the Consent Agreement when mailed to the Board office).*

**OPTION TWO:** \_\_\_\_\_  
*(Sign and date here to select Option Two)*

I agree to submit the amount of the one hundred seventy six dollars and ninety two cents (\$176.92) monetary penalty in a single payment labeled "Administrative Costs" within thirty (30) days of the date of the execution of the Order;

**AND**

I agree to submit the remaining one hundred seventy six dollars and ninety two cents (\$176.92) of the monetary penalty in a single payment labeled "Administrative Costs" within sixty (60) days of the date of the execution of the Order.

**OPTION THREE:** *Serena A. Young 10/30/14*  
*(Sign and date here to select Option Three)*

I agree to submit the amount one hundred seventeen dollars and ninety five cents (**\$117.96**) of the total monetary penalty in a single payment labeled "Administrative Costs" within thirty (30) days of the date of the execution of the Order;

**AND**

I agree to submit the remaining two hundred thirty five dollars and eighty eight cents (**\$235.88**) in two payments each of one hundred seventeen dollars and ninety four cents (**\$117.94**) for a total payment of three hundred fifty three dollars and eighty four cents (**\$353.84**), each payment labeled "Administrative Costs" within ninety (90) days of the date of the execution of the Order.

I understand that failure to submit payments according to an agreed- upon schedule may result in additional disciplinary action in accordance with the **W. Va. Code § 30-23-24 (a) (7)**, which states that the West Virginia Medical Imaging & Radiation Therapy Technology Board of Examiners may revoke, suspend, or otherwise discipline a license for failure to comply with any order or final decision of the Board.

*Serena A. Young 10/30/14*  
*(Respondent Sign and date here)*